

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on August 12, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 2], filed on August 15, 2011, recommended that Plaintiff's motion for leave to proceed *in forma pauperis* [ECF No. 1] be denied and his complaint be dismissed pursuant to 28 U.S.C. § 1915(g), without prejudice to Plaintiff's right to re-open this case upon payment of the filing fee of \$350.00. Plaintiff was allowed fourteen (14) days from the date of service to file objections. No objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of September, 2011;

IT IS HEREBY ORDERED that the Plaintiff's motion for leave to proceed *in forma pauperis* [ECF No. 1] is DENIED and his complaint is DISMISSED pursuant to 28 U.S.C. § 1915(g), without prejudice to Plaintiff's right to re-open this case upon payment of the filing fee of \$350.00.

The Report and Recommendation [ECF No. 2] of Magistrate Judge Baxter, filed on August 15, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge